

This matter concerns respondents' allegedly deceptive representation that purchasers of the Investment Courses who make profitable "paper trades"—practice trades in which no funds are actually invested—using techniques described in the Investment Courses during one time period are likely to make profitable actual trades when their funds are invested in the market during a later time period. This matter also concerns the respondents' alleged failure to disclose the risks associated with the trading techniques described in the Investment Courses.

The proposed consent order contains provisions designed to prevent respondents from engaging in similar acts and practices in the future.

Part I of the proposed consent order prohibits the respondents from misrepresenting that purchasers of "investment courses" who make profitable "paper trades" are likely to make profitable actual trades when their funds are invested in the market. The term "investment courses" is defined as "any program, service course, instruction, system, training, manual, computer software, or other materials involving the purchase or sale of stocks, currencies, commodity futures, options, real estate through probate proceedings, or other financial instruments or investments."

Part II of the proposed consent order requires the respondents to make the following six risk disclosures:

1. For all Investment Courses: "WARNING: [FUTURES TRADING, STOCK TRADING, CURRENCY TRADING, OPTIONS TRADING, ETC., as applicable] involves high risks and YOU can LOSE a lot of money."
2. For all Investment Courses in which purchasers are advised or instructed to "paper trade" or otherwise practice making investments without investing actual funds: "Being a successful PAPER TRADER during one time period does *not* mean that you will make money when you actually invest during a later time period. Market conditions constantly change."
3. For all Investment Courses involving securities or the purchasing of options: "When investing in [securities or the purchasing of options, as applicable] you may lose all of the money you invested."
4. For all Investment Courses involving futures or the granting of options: "When investing in (futures or the granting of options, as applicable) you may lose more than the funds you invested."
5. For all Investment Courses involving futures and commodity options: "Trading in commodity futures

or options involves substantial risk of loss. According to many experts, most individual investors who trade commodity futures or options lose money."

6. For all Investment Courses in which claims are made regarding past performance: "Past Results are not necessarily indicative of Future Results."

Parts III and IV of the proposed order require respondents to keep copies of relevant advertisements and materials substantiating claims made in the advertisements and to provide copies of the order to certain personnel. Part V requires TWC, KRI and KRC to notify the Commission of any changes in their corporate structures that might affect compliance with the order. Part VI requires that the individual respondent notify the Commission of changes in his employment status for a period of ten years. Part VII requires TWC, KRI and KRC to file compliance reports with the Commission. Part VIII provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Solicitation of Partnering Organizations for Diabetes Detection Program

**AGENCY:** Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

**ACTION:** Notice.

**SUMMARY:** On March 6, 2003, The Department of Health and Human Services (HHS) published an announcement seeking public and private sector organizations to partner in the establishment of the nationwide Diabetes Detection Program. This notice clarifies the intent of that announcement. It describes the Program and the partnerships, which would be established through memoranda of understanding with interested organizations and entities.

**ADDRESSES:** Notification of interest in partnering should be sent to Elizabeth

Majestic, M.P.H., Acting Director, Office of Disease Prevention and Health Promotion, Office of Public Health and Science, Room 738-G, 200 Independence Ave., SW., Washington, DC 20201; (202) 401-6295 (telephone), 202-690-7054 (fax). Notifications may also be submitted by electronic mail to [emajestic@osophs.dhhs.gov](mailto:emajestic@osophs.dhhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Ellis Davis, Office of Disease Prevention and Health Promotion, Office of Public Health and Science, Room 738-G, 200 Independence Ave., SW., Washington, DC 20201; (202) 260-2873 (telephone), (202) 690-7054 (fax), or by electronic mail to [edavis@osophs.dhhs.gov](mailto:edavis@osophs.dhhs.gov).

### SUPPLEMENTARY INFORMATION:

#### Background

The Department will be launching a diabetes detection initiative. The goal of the initiative is to encourage people at risk for diabetes to get tested and to refer those who test positive for follow-up. Approximately 6 million people have diabetes and do not know it. It is believed that for many of these people, earlier diagnosis and management or treatment can prevent or delay the devastating complications of diabetes. State health departments and federally-funded community health centers will serve as the cornerstone for these detection efforts.

To assist the Department in implementing the diabetes detection initiative, HHS is seeking partners to participate in the initiative in accordance with their particular interests. The partnerships would be established through memoranda of understanding where each party would be responsible for resources to support their activity.

Where appropriate, organizations and entities could collaborate with state health department and community health center programs, as in the following examples:

- Partnering organizations could participate in a nationwide advertising campaign that would alert the American public to the opportunity for diabetes detection;
- Partnering organizations could participate in the production or distribution of printed materials that will be used by state programs and community health centers responsible for implementing the initiative;
- Employers could adopt the project and conduct detection clinics where people at high risk of diabetes could be identified, then referred for specific diagnosis and followup if warranted;
- Hospitals could provide professional resources to conduct detection clinics;